

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DANIEL KORCEK,

Defendant.

8:11CR311

ORDER

Defendant Daniel Korcek (Korcek) appeared before the court on January 30, 2013, on the Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 39). Korcek was represented by Hunter B. Sadle and the United States was represented by Assistant U.S. Attorney Douglas R. Semisch. Through his counsel, Korcek waived his right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Petition alleges probable cause and that Korcek should be held to answer for a final dispositional hearing before Chief Judge Laurie Smith Camp.

The government moved for detention. Korcek presented no evidence nor requested a detention hearing. Since it is Korcek's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Korcek has failed to carry his burden and that Korcek should be detained pending a dispositional hearing before Chief Judge Smith Camp.

IT IS ORDERED:

1. A final dispositional hearing will be held before Chief Judge Laurie Smith Camp in Courtroom No. 2, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 10:30 a.m. on March 7, 2013**. Defendant must be present in person.
2. Defendant Daniel Korcek is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;
3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and
4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 30th day of January, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge